IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16966 of 2006

Dated: August 23, 2006

Between:

D. Sampath Kumar, S/o. D. Bhujanga Rao, aged 18 years,
Occ: Student, R/o. Eswaranarayana Colony, Rajam,
Srikakulam District.

… Petitioner

And

Union of India, rep. by its Secretary, Medical &
Health, New Delhi, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in disqualifying the petitioner without considering the certificate issued by the District Medical Board for the purpose of allotting a seat under Physically Handicapped quota as illegal and arbitrary. A consequential direction to the respondents is also sought to allot a seat and admit the petitioner into 1st year M.B.B.S. course.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

3. Petitioner, a physically handicapped person, belonging to BC-D community appeared for EAMCET-2006 and secured rank '012117'. He claims that his disability – 40% - falls under the category of locomotary disorder of lower limbs. So far as reservations under the Physically Handicapped quota are concerned, there is 3% reservation for a candidate claiming to be physically handicapped. Basing on the certificate issued by the District Medical Board for Handicapped, Visakhapatnam, petitioner claimed a seat in the quota reserved for physically handicapped. However, when the petitioner attended counselling on 23-07-2006, his case was rejected declaring that his disability is less than 40% and he was denied seat under the Physically Handicapped quota.

4. The grievance of the petitioner is that though the District Medical Board for Handicapped, Visakhapatnam, has certified his disability as 40%, respondents have denied him a seat under the Physically Handicapped quota, which is contrary to regulation Clause 7.5 of the Prospectus issued for admission to MBBS & BDS Courses for the academic session 2006-07.

5. However, it is to be seen that for the purpose of assessing the percentage of disability of candidates seeking admission into MBBS and BDS Courses, a separate Medical Board, headed by Professor of Medicine, Gandhi Medical College, has been constituted by Dr. NTR University of Health Sciences, A.P., Vijaywada. Learned Standing Counsel has produced a copy of the certificate issued by the said Board, which examined the disability of the petitioner and certified his disability as 20%. When a Medical Board has specially been

constituted for the purpose of assessing disability of the candidates seeking admission, the said Board is only the competent authority to certify the disability of a particular individual, but not anybody else. When such Board has certified the disability of the petitioner as 20%, basing on the certificate issued by the District Medical Board, petitioner cannot claim a seat in the said quota.

6. The Writ Petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

August 24, 2006
MRR